HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.17732 of 2006

Date: 25th August, 2006

Between :-

Smt. Gorrepati Ramulamma

And another .. Petitioner

And

The State Election Commission,
Andhra Pradesh, rep. by
Its Secretary, 3rd Floor,
Buddha Bhavan, Secunderabad
And 4 others ..
Respondents

THE HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.17732 of 2006

ORDER:-

The Writ Petition is filed for a Writ of Certiorari quashing the action of the respondent No.4 in disqualifying the candidature of the petitioners by receipt dated 19-6-2006 as illegal, arbitrary and in violation of the statutory provisions; to issue Writ, order or direction, quashing the action of the respondent No.3 in rejecting the appeals of the petitioners by proceedings vide Rc.A2/1303/2006 dated 20-6-2006 as illegal, arbitrary and in violation of the statutory provisions; and to issue Writ,

Order or direction commanding the respondents 1 to 4 to restart and conduct the election process from the stage the respondent No.4 illegally disqualified the petitioners and direct the respondents 1 to 4 to hold an election by following the process of law and procedures prescribed in the A.P. Panchayat Raj Act 1994 and the Rules framed thereunder, and to pass such other suitable orders.

2. It is stated by the Counsel for the writ petitioners that inasmuch as the rejection of the nomination itself is illegal and no further factual controversies are involved, the Writ Petition may be allowed.

3. On a careful analysis of the factual controversies mentioned in the affidavit filed in support of the Writ Petition, this Court is of the considered opinion that this is a fit matter where liberty to be given to the petitioners to approach the Election Tribunal by way of election petition. Accordingly, the Writ Petition is disposed of. No order as to costs.

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Justice P.S.Narayana

25th August, 2006

smr